


Affidavit

Because of my indigent status because our family receives medical coverage through the State of Michigan and food assistance the cost to provide the information for my FOIA request is waived.

Sincerely

Justin Clayton

6/30/2022 

Foia Request

Attention: Fowlerville Schools Superintendent Wayne Roedel

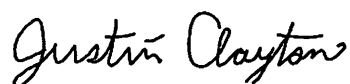
1. I am requesting information through the Freedom of Information Act.
2. I request that any emails or text messages, including deleted text messages and emails pertaining to James Clayton and or Justin Clayton by Fowlerville Community Schools staff members including Rob Dorner and board members to be provided to Justin Clayton for examination. Any deleted emails and texts apply to all the requests below as well.
3. The staff members I am requesting information from are not limited to but include Jason Miller, Bobby Sue Adams, James Clayton's teachers, James's school counselors, Dr. Brad Lusk, Tim Dowker, Wayne Roedel, and all current board members.
4. This request is not limited to, but also includes information from and between those involved with James while he was at Kreeger Elementary and Smith Elementary as well, such as his teachers, counselors, principal, assistant principal, and all others involved with James.
5. I also request that a complete record of every document ever created by the Fowlerville School District regarding James Clayton be provided.
6. This information should include evaluations for an IEP, IEE, 504, disciplinary records, MDR meetings, teacher notes, any commits, education records of all types, and behavioral history for James.
7. I request all email and text communication by the staff at Fowlerville Community Schools between each other regarding James Clayton's behaviors be provided.
8. Also provide any and all emails and text messages between Fowlerville school staff, Fowlerville school board members, and Rob Dorner regarding James' suspensions and expulsion.

9. Provide as well all email and text communications by Fowlerville school staff regarding the due process litigation regarding James Clayton 504 matters and IEP matters with the State of Michigan.
10. Provide as well all texts and emails between staff members and between staff members and any board members regarding the OCR complaint and the special education complaint filed on James' behalf.
11. Provide all email and text message communication by Fowlerville school staff regarding their responses to the complaints filed on James Clayton's behalf.
12. Provide any email and text communication regarding James Clayton between the Fowlerville staff.
13. Provide any email and text communication regarding James Clayton between the Fowlerville board members.
14. Provide all email and text communication regarding James Clayton between Fowlerville board members and Fowlerville school staff members.
15. Provide any email and text communication regarding Justin Clayton / Mr. Clayton between the Fowlerville staff. For clarification, I want the emails and texts about Justin Clayton that staff members emailed or texted each other not emails to Justin Clayton.
16. Provide any email and text communication regarding Justin Clayton / Mr. Clayton between the Fowlerville board members. For clarification, I want the emails and texts about Justin Clayton that staff members emailed or texted each other not emails to Justin Clayton.
17. Provide any email and text communication regarding Justin Clayton / Mr. Clayton between the Fowlerville board members and the Fowlerville school staff. For clarification, I want the emails and texts about Justin Clayton that staff members emailed or texted each other not emails to Justin Clayton.
18. How many students have been expelled in the past five years from Fowlerville School District?
19. Of the students that have been expelled in the past five years how many of those students had a 504?

20. Of the students that have been expelled in the past five years how many of those students had an IEP?
21. Of the students that have been expelled in the past five years how many of those students had been evaluated for a 504 and were denied a 504?
22. Of the students that have been expelled in the past five years how many of those students had been evaluated for an IEP and were denied an IEP?
23. Of the students that have been expelled in the past five years how many of those students' families were receiving some type of financial assistance or experiencing some type of economic hardship?
24. Of the students that were expelled over the past five years how many were designated by Fowlerville Schools to have a disability of some kind?
25. Of the students that were expelled over the past five years how many were designated by a medical doctor to have a disability of some kind?

Sincerely

Justin Clayton

A handwritten signature in black ink that reads "Justin Clayton". The signature is written in a cursive, flowing style.

6/30/2022

Fowlerville Community Schools

7677 W. Sharpe Road, Suite A • Fowlerville, MI 48836

(517) 223-6015 • FAX (517) 223-6022

Wayne Roedel, Superintendent

July 26, 2022

Justin Clayton
Justinclayton432@gmail.com

Re: FOIA Request to Fowlerville Community Schools

Dear Mr. Clayton:

Fowlerville Community Schools is in receipt of your Freedom of Information Act (FOIA) request transmitted electronically on June 30, 2022, and received by the District on July 1, 2022. The District previously notified you that it was extending for 10 business days the time for response. Your request states:

1. *I am requesting information through the Freedom of Information Act.*
2. *I request that any emails or text messages, including deleted text messages and emails pertaining to James Clayton and or Justin Clayton by Fowlerville Community Schools staff members including Rob Dornier and board members to be provided to Justin Clayton for examination. Any deleted emails and texts apply to all the requests below as well.*
3. *The staff members I am requesting information from are not limited to but include Jason Miller, Bobby Sue Adams, James Clayton's teachers, James's school counselors, Dr. Brad Lusk, Tim Dowker, Wayne Roedel, and all current board members.*
4. *This request is not limited to, but also includes information from and between those involved with James while he was at Kreeger Elementary and Smith Elementary as well, such as his teachers, counselors, principal, assistant principal, and all others involved with James.*
5. *I also request that a complete record of every document ever created by the Fowlerville School District regarding James Clayton be provided.*
6. *This information should include evaluations for an IEP, IEE, 504, disciplinary records, MDR meetings, teacher notes, any commits, education records of all types, and behavioral history for James.*
7. *I request all email and text communication by the staff at Fowlerville Community Schools between each other regarding James Clayton's behaviors be provided.*
8. *Also provide any and all emails and text messages between Fowlerville school staff, Fowlerville school board members, and Rob Dornier regarding James' suspensions and expulsion.*
9. *Provide as well all email and text communications by Fowlerville school staff regarding the due process litigation regarding James Clayton 504 matters and IEP matters with the State of Michigan.*
10. *Provide as well all texts and emails between staff members and between staff members and any board members regarding the OCR complaint and the special education complaint filed on James' behalf.*

11. Provide all email and text message communication by Fowlerville school staff regarding their responses to the complaints filed on James Clayton's behalf.
12. Provide any email and text communication regarding James Clayton between the Fowlerville staff.
13. Provide any email and text communication regarding James Clayton between the Fowlerville board members.
14. Provide all email and text communication regarding James Clayton between Fowlerville board members and Fowlerville school staff members.
15. Provide any email and text communication regarding Justin Clayton / Mr. Clayton between the Fowlerville staff. For clarification, I want the emails and texts about Justin Clayton that staff members emailed or texted each other not emails to Justin Clayton.
16. Provide any email and text communication regarding Justin Clayton / Mr. Clayton between the Fowlerville board members. For clarification, I want the emails and texts about Justin Clayton that staff members emailed or texted each other not emails to Justin Clayton.
17. Provide any email and text communication regarding Justin Clayton / Mr. Clayton between the Fowlerville board members and the Fowlerville school staff. For clarification, I want the emails and texts about Justin Clayton that staff members emailed or texted each other not emails to Justin Clayton.
18. How many students have been expelled in the past five years from Fowlerville School District?
19. Of the students that have been expelled in the past five years how many of those students had a 504?
20. Of the students that have been expelled in the past five years how many of those students had an IEP?
21. Of the students that have been expelled in the past five years how many of those students had been evaluated for a 504 and were denied a 504?
22. Of the students that have been expelled in the past five years how many of those students had been evaluated for an IEP and were denied an IEP?
23. Of the students that have been expelled in the past five years how many of those students' families were receiving some type of financial assistance or experiencing some type of economic hardship?
24. Of the students that were expelled over the past five years how many were designated by Fowlerville Schools to have a disability of some kind?
25. Of the students that were expelled over the past five years how many were designated by a medical doctor to have a disability of some kind?

The Michigan FOIA defines "public record" as "a writing prepared, owned, used, in the possession of, or retained by a public body in the performance of an official function, from the time it is created." MCL 15.232(i). FOIA defines a "public body" as:

(i) A state officer, employee, agency, department, division, bureau, board, commission, council, authority, or other body in the executive branch of the state government, but does not include the governor or lieutenant governor, the executive office of the governor or lieutenant governor, or employees thereof.

(ii) An agency, board, commission, or council in the legislative branch of the state government.

(iii) A county, city, township, village, intercounty, intercity, or regional governing body, council, school district, special district, or municipal corporation, or a board, department, commission, council, or agency thereof.

(iv) Any other body that is created by state or local authority or is primarily funded by or through state or local authority, except that the judiciary, including the office of the county clerk and its employees when acting in the capacity of clerk to the circuit court, is not included in the definition of public body.

MCL 15.232(h)(i)-(iv).

Your request is granted in part and denied in part. Possibly responsive documents include approximately 1300 emails on the District's server that will have to be reviewed to determine if they are public records and redacted, if necessary. The District will begin reviewing these records upon receipt of a deposit of \$1,094.18, as described on the attached fee itemization form. The District estimates that the records will be available within 45 calendar days of receipt of your deposit. Both the cost and the time frame for producing the records are good-faith estimates, not guarantees. If the District does not receive your deposit within 48 days from the date of this letter, your request will be considered abandoned. The District reserves the right to redact or remove exempt information from the documents, including but not limited to:

- Attorney-client privileged information pursuant to MCL 15.243(1)(g);
- Information that, if disclosed, would violate the Family Educational Rights and Privacy Act (regarding students other than your child) pursuant to MCL 15.243(2);
- Communications and notes within a public body or between public bodies of an advisory nature to the extent that they cover other than purely factual materials and are preliminary to a final agency determination of policy or action pursuant to MCL 15.243(1)(m);
- Information that would disclose the social security number of an individual pursuant to MCL 15.243(1)(w); and
- Information of a personal nature if public disclosure of the information would constitute a clearly unwarranted invasion of an individual's privacy pursuant to MCL 15.243(1)(a).

Please note that your request is extraordinarily broad. If you provide additional information about what you are seeking or limit the scope of your request, I suspect the cost estimate would decrease. Please contact me if you would like to discuss the parameters of your request.

Please also be advised that the FOIA requires the District to produce records; it does not require the District to answer questions. Please also note that the District has already provided you with over 600 pages of records at *no charge*. Some of the records retrieved in responding to your FOIA request will very likely be duplicative of records you already have.

Because this constitutes a partial denial of your request, your appeal rights are enclosed. Until the District receives your deposit or written clarification of your request, the District will take no further action on this request.

The District's FOIA Procedures and Guidelines are available at:
<https://www.fowlervilleschools.org/about-us/board-of-education/>.

Sincerely,



FOIA Coordinator

RIGHT TO APPEAL DISCLOSURE DENIAL AND RECOVER ATTORNEYS FEES AND COSTS

If a public body makes a final determination to deny all or a portion of a FOIA request, the requesting person may do one of the following at his or her option:

1. Submit to the Board of Education a written appeal that specifically states the word "appeal" and identifies the reason or reasons for reversal of the disclosure denial; or
2. Commence an action in the circuit court in the county in which the public body is located to compel the public body's disclosure of the public records.

If a person asserting the right to inspect, copy, or receive a copy of all or a portion of a public record prevails in an action commenced under section 10 of the FOIA, the court shall award reasonable attorneys' fees, costs, and disbursements. If the person or public body prevails in part, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements. The award shall be assessed against the public body liable for damages that kept or maintained the public record as part of its public function.

If the circuit court determines in an action commenced under section 10 of the FOIA that the District arbitrarily and capriciously violated the FOIA by refusal or delay in disclosing or providing copies of a public record, or that the District willfully and intentionally failed to comply with the FOIA or otherwise acted in bad faith, the court shall award, in addition to any actual or compensatory damages, punitive damages as prescribed in the FOIA to the person seeking the right to inspect or receive a copy of a public record. The damages shall not be assessed against an individual, but shall be assessed against the next succeeding public body that is not an individual and that kept or maintained the public record as part of its public function.

A full explanation of your right to seek either appeal or judicial review is set forth in Section 10 of the FOIA, MCL 15.240.

RIGHT TO CHALLENGE FEE

If the School District requires a fee (defined to include a deposit) that requestor believes exceeds the amount permitted under the FOIA or the District's publicly available Procedures and Guidelines, the requesting person may, within 45 days after receiving notice of the required fee, commence an action in the circuit court for the county in which the public record or one of School District's offices is located.

If a court determines that the fee exceeds the amount permitted under the FOIA or the District's Procedures and Guidelines, the court will reduce the fee to the permissible amount (if any).

If the requesting person prevails in an action commenced under this section by receiving a reduction of 50% or more of the total fee, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements.

If the court determines that the School District arbitrarily and capriciously violated FOIA by charging an excessive fee, or acted in bad faith, the court will order that the School District pay a civil fine to the state and punitive damages to the requestor.

A full explanation of your right to seek judicial review is set forth in Section 10a of the FOIA, MCL 15.240a.

Fowlerville Community Schools

7677 W. Sharpe Road, Suite A • Fowlerville, MI 48836
 (517) 223-6015 • FAX (517) 223-6022
 Wayne Roedel, Superintendent

FOIA FEE ITEMIZATION FORM FOWLerville COMMUNITY SCHOOLS

Requestor's Name Justin Clayton

Date of Request 7/1/22 (receipt)

☒ Estimated Fee

or

☐ Actual Fee

Item Description	Hourly Rate ¹ (w/fringe included)	Fringe Benefit % ²	Overtime Rate ³	No. of 15-minute increments ⁴	Total Charge
Locating/Retrieving Records	Hourly wage \$51.16 x	1.____+/-	\$____=	⁵ \$ 51.16 / 4 = \$12.79 x 11 (increments) =	\$140.69
Reviewing Records	Hourly wage \$92.98 x	1.____+/-	\$____=	\$ 92.98 / 4 = \$23.24 x 87 (increments) =	\$2,021.88
Redacting Records	Hourly wage _____ x	1.____+/-	\$____=	\$ ____ / 4 = \$ ____ x ____ (increments) =	\$ ____
Copying/Duplicating Records ⁶	Hourly wage \$35.42 x	1.____+/-	\$____=	\$ 35.42 / 4 = \$8.85 x 4 (increments) =	\$35.40
Contracted Labor Costs-Redaction	⁷ Hourly wage _____ x	N/A	N/A	\$ ____ / 4 = \$ ____ x ____ (increments) =	\$ ____
Name of contracted person or firm if applicable: _____				Subtotal Labor Costs = \$2,197.97	
Copying Cost for Paper Copies ⁸					
Letter (8½" x 11") paper at \$0.008 each ⁹	Legal (8½"x 14") paper at \$0.____ each	Size _____ paper at \$0.____ each	Size _____ paper at \$0.____ each	Total Charge	
No. of Sheets 1300 x \$0.008= \$10.40	No. of Sheets ____ x \$0.____ = \$____	No. of Sheets ____ x \$0.____ = \$____	No. of Sheets ____ x \$0.____ = \$____	\$10.40	
Mailing Cost					
Cost of Packaging	Postage Cost	Cost of Delivery Confirmation	Special Shipping Cost	Insurance Cost	Total Charge
\$____	\$____	\$____	\$____	\$____	\$____

FOIA FEE ITEMIZATION FORM- Page 2

Nonpaper Physical Media			
USB Flash Drives	Computer Discs	Other Digital Media	Total Charge
\$ _____ x number used _____ = \$ _____	\$ _____ x number used _____ = \$ _____	\$ _____ x number used _____ = \$ _____	\$ _____
Qualified for \$20 Reduction? If yes, subtract \$20.			(\$20.00)
TOTAL FEE = \$2,188.37			
If estimated fee is over \$50, the District shall charge a deposit of 50% of the estimated fee.		Amount of Deposit \$1,094.18	Paid? Y/N
If deposit not received within 48 days, request is considered abandoned.			
Subtract any good-faith deposit received.			(\$ _____)
Reduction amount due to untimely response by District: 0.5% of fee x _____ days late = _____ reduction.			(\$ _____)
TOTAL DUE= \$ _____			

¹ The hourly rate shall not be more than the hourly wage of the lowest-paid staff member capable of performing the labor in the particular instance.

² The District will add up to 50 percent to the applicable labor charge amount to cover or partially cover the cost of fringe benefits; 100 percent of fringe benefit costs will be added to the applicable labor charge if a requestor stipulates that requested website records must be provided in a paper format or in a specific form of electronic media. In either case, the District shall not charge more than the actual cost of fringe benefits.

³ Overtime rates shall not be included in the calculation of labor costs unless overtime is specifically stipulated by the requestor.

⁴ In general, labor cost shall be estimated and charged in increments of 15 minutes, with all partial time increments rounded down. (See note 6 for exception.)

⁵ Divide the resulting hourly wage(s) by four to determine the charge per 15-minute increment.

⁶ Labor costs for copying/duplicating records may be estimated and charged in time increments of the District's choosing, with all partial time increments rounded down.

⁷ This amount shall not exceed an amount equal to six times the state minimum hourly wage rate, which is currently \$8.15.

⁸ The District shall utilize the most economical means available for making copies, including using double-sided printing.

⁹ The fee shall not exceed 10 cents per sheet of paper for copies made on 8½" by 14" paper.

justin clayton <justinclayton432@gmail.com>

Thu, Jun
30, 10:07
PM

to Wayne

Attached is a foia request.

Sincerely
Justin Clayton
2484442582
6/30/2022

affidavit of indigency



justin clayton <justinclayton432@gmail.com>

Thu, Jun
30, 10:23
PM

to Wayne

Attachments area



Wayne Roedel

Jul 5,
2022,
6:45 AM

to Tim, me

Good morning Justin.

Fowlerville Community Schools is in receipt of your FOIA request, transmitted electronically on June 30, 2022 and received by the District on July 1, 2022. Please be advised that the District is extending for 10 business days it's time to respond to your FOIA request. The extension is needed to locate the numerous records you have requested and determine the cost to respond to your request. The District reserves the

right to charge a fee to respond to your request. Your indigency affidavit will be considered in any fee calculation. The District will respond to your request in writing on or before July 25, 2022.

Wayne

--

Wayne Roedel, Superintendent

SUPPORTING STUDENTS TO ACHIEVE THEIR POTENTIAL

Fowlerville Community Schools
7677 Sharpe Road, Suite A
Fowlerville, MI 48836

Phone: 517-223-6016

email: roedelw@fowlervilleschools.org

twitter: @roedelw

Out of Office-Vacation Re: foia request

Inbox



Wayne Roedel

Wed, Jul 6,
11:58 AM

to me

Hello,

I am currently out of the office on vacation until Monday, July 18th.

Your email is important to me and I will get back with you as soon as possible upon my return.

If it is an emergency, please email Ms. Janice Avis, Executive Secretary, at avisj@fowlervilleschools.org or Mr. Tim Dowker, Assistant Superintendent of Fowlerville Community Schools at dowkert@fowlervilleschools.org and they will do their best to address the emergency.

Sincerely,
Wayne
Wayne Roedel, Superintendent

SUPPORTING STUDENTS TO ACHIEVE THEIR POTENTIAL

Fowlerville Community Schools
7677 Sharpe Road, Suite A
Fowlerville, MI 48836

Phone: 517-223-6016
email: roedelw@fowlervilleschools.org

twitter: @roedelw

justin clayton <justinclayton432@gmail.com>

Jul 6,
2022,
1:03 PM

to Rick, Wayne

I emailed Rick to notify him of the delay in the foia request. Please expedite the request as I would prefer to have them for the 504 hearing.

Sincerely
Justin Clayton

2484442582**FOIA Request to Fowlerville Community Schools**
Inbox

Jennifer K. Starlin <JStarlin@thrunlaw.com>

Jul 6,
2022, 2:19
PM

to me, Wayne, Meegan

Dear Mr. Clayton:

I understand that you have contacted the Section 504 Hearing Officer regarding concerns about the District's response to your FOIA request. Please be reminded that I need to be copied on *all communications* with Mr. Kroopnick.

The District is working to respond to your FOIA request. Your request, however, is absurdly broad in that it seeks "every document ever created by the Fowlerville School District regarding James Clayton." I expect that the District's response to your FOIA request will be to provide a cost estimate and a time estimate to locate all responsive records. I do not expect (though I could be wrong) that the District will provide you the documents you requested in your 25 paragraph FOIA request on July 25, 2022. Instead, and as is expressly permitted by FOIA, the District will likely require a deposit (minus allowable deductions due to your indigency affidavit) and, upon receipt of a deposit, will begin fulfilling your request. Although the District is not obligated to advise you of this in advance, I am doing so on the District's behalf as a courtesy so that you can prepare for the pending hearing.

The District is also not required to provide you any documents in advance of responding to your FOIA request. Once again, and as a courtesy, I am providing you the documents that the District collected in response to your state complaint and OCR complaint. Many will be duplicative. The documents that the District provided to OCR can be accessed at this link: <http://docsel.thrunlaw.com/docs/CompAttach.pdf>. The documents that the District provided to the state during the state complaint process can be accessed at this link: <http://docsel.thrunlaw.com/docs/JCDocs.pdf>.

I expect that your requests for information about other students will be denied, because disclosing such information would violate state and federal law. If you would like general data about the District and suspension and expulsion rates, that information is publicly available at: <https://www.mischooldata.org/>.

This email is not the District's response to your FOIA request. That response will be provided on or before July 25, 2022.

Jennifer K. Starlin, Attorney

Thrun Law Firm, P.C.

Phone 517.374.8834 - Fax 517.484.0081

jstarlin@thrunlaw.com – www.thrunlaw.com

P.O. Box 2575

East Lansing, MI 48826

For deliveries only:

2900 West Road, Suite 400

East Lansing, MI 48823

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 justin clayton <justinclayton432@gmail.com>

Mon, Jul
11, 12:55
PM

to Rick, JStarlin

When am I getting the costs to complete the FOIA request?

within five business days

The Public Body must issue a written notice in response to the request for a Public Record within **five business days** after receiving the request. 26 If the request is for a readily available Public Record, however, the information generally should be provided within the five business day period.

I see that we are already passed 5 days. I want this request expedited.

Sincerely

Justin Clayton

Freedom of Information Act Handbook - State of Michigan



Jennifer K. Starlin

Jul 11,
2022,
12:17 PM

to me, Rick

Mr. Clayton:

It is my understanding that the District took a 10 business-day extension, and notified you of that in writing. The District will respond to your request, which may include sending a cost estimate, by the date previously provided to you.

To ensure you had access to records needed for you to prepare for the hearing, I sent you, as a courtesy, over 600 pages of education records last week.

Jennifer K. Starlin, Attorney
Thrun Law Firm, P.C.
Phone 517.374.8834 - Fax 517.484.0081
istarlin@thrunlaw.com – www.thrunlaw.com

P.O. Box 2575
East Lansing, MI 48826
For deliveries only:
2900 West Road, Suite 400
East Lansing, MI 48823

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justin clayton <justinclayton432@gmail.com>

Wed, Jul
13, 12:30
PM

to Jennifer, Rick

I notice that in your email regarding my FOIA request the information I requested concerning other students would be denied. However, the information I requested was not in regards to specific students' names other than James. Moreover, If some of the

statistical data I requested has other students' information included it may be redacted, It is public information and should be surrendered to me.

Sincerely
Justin Clayton

justin clayton <justinclayton432@gmail.com>

Jul 25, 2022,
8:08 PM (4 days
ago)

to roedelw

Where is the FOIA information I requested on June 30 now over 25 days ago? I thought I would have received it by now. All of the information I have read says that it should be done in no more than 20 days. Please respond to this email with an update or the requested information asap.

Sincerely
Justin Clayton
2484442582

justin clayton <justinclayton432@gmail.com>

Jul 27, 2022,
5:42 PM (2 days
ago)

to JStarlin, rkroopnick, Wayne

I reviewed the fees and the additional 45-day delay to the 27 days I have already waited. The additional 45 days puts me past another important date as you know. My exhibit list and my witness list must be in by the 22nd of August for my next hearing regarding the special education complaint. So I have decided to file a complaint with the US WESTERN DISTRICT FEDERAL COURT regarding your intentional and bothersome postponement of the documents I requested. I have patiently waited for your response to my FOIA request past the number of days I should have waited, I continue to struggle to make right the wrongs you and your staff have perpetrated against my son. Because you are the FOIA Manager for the Fowlerville School District I am personally listing you on the suit as the defendant along with Fowlerville School District. In addition, I asked for information on low-cost legal services and you never responded to help or add in any way as the state paperwork states you must.

Sincerely Justin Clayton 2484442582